

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

AMEND House Committee Substitute for Senate Bill No. 0628, Page 16, Section 211.444, Line 20, by inserting after all of said section the following:

“386.510. With respect to commission orders or decisions issued on and after July 1, 2011, within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may file a notice of appeal with the commission, which shall also be served on the parties to the commission proceeding in accordance with section 386.515, and which the commission shall [also be filed with] forward to the appellate court with the territorial jurisdiction over the county where the hearing was held or in which the commission has its principal office for the purpose of having the reasonableness or lawfulness of the original order or decision or the order or decision on rehearing inquired into or determined. Except with respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional evidence may be introduced in the appellate court but the cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the commission and certified to by it. The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, and any other information specified by the rules of the court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals. The commission and each party to the action or proceeding before the commission shall have the right to intervene and participate fully in the review proceedings. Upon the submission of the case to the court of appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole or in part, the order or decision of the commission under review. In case the order or decision is reversed by reason of the commission failing to receive testimony properly proffered, the court shall remand the cause to the commission, with instructions to receive the testimony so proffered and rejected, and enter a new order or render a new decision based upon the evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion, remand any cause which is reversed by it to the commission for further action. No court in this state, except the supreme court or the court of appeals, shall have jurisdiction or

1 authority to review, reverse, correct or annul any order or decision of the commission or to  
2 suspend or delay the executing or operation thereof, or to enjoin, restrain or interfere with the  
3 commission in the performance of its official duties. The appellate courts of this state shall  
4 always be deemed open for the trial of suits brought to review the orders and decisions of the  
5 commission as provided in the public service commission law and the same shall where necessary  
6 be tried and determined as suits in equity.”; and

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8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.